

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CRIMINAL ACTION</b>
<b>v.</b>	)	
	)	<b>No. 12-20066-36-KHV</b>
<b>LUCINDA SCOTT,</b>	)	
	)	
<b>Defendant.</b>	)	
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**ORDER**

Defendant's Pro Se Motion For Modification Of Sentence Pursuant To 18 U.S.C. § 3582(c)(2) (Doc. #1777) filed May 6, 2015 is **OVERRULED**. On October 21, 2013, the Honorable John W. Lungstrum sentenced defendant to 120 months in prison.<sup>1</sup> Under Amendment 782 and 18 U.S.C. § 3582(c), defendant asks the Court to reduce her sentence. Defendant is not entitled to relief under Amendment 782, because her sentence of 120 months is below the low end of the amended guideline range (168 months).<sup>2</sup> Unless a defendant's original sentencing range was lowered pursuant to a government motion to reflect substantial assistance to authorities, the Court may not impose a reduced sentence below the low end of the amended guideline range. U.S.S.G. § 1B1.10(b)(2)(A); see 18 U.S.C. § 3582(c)(2) (reduction must be consistent with applicable policy statements issued by Sentencing Commission); see also U.S.S.G. § 1B1.10(a)(3) (proceedings under Section 3582(c)(2) and policy statement do not constitute full resentencing).

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<sup>1</sup> Based on an offense level 37, criminal history category I, the guideline range was 210 to 262 months in prison. Judge Lungstrum imposed a sentence below the guideline range for various reasons, including the parties' agreement and defendant's health.

<sup>2</sup> Under the current version of the guidelines, defendant's total offense level is 35, criminal history category I, with a guideline range of 168 to 210 months.

**IT IS SO ORDERED.**

Dated this 11th day of May, 2015 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge